

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION**

ESCP CORPORATION,	)	
	)	
Plaintiff,	)	Case No.
	)	
v.	)	
	)	
CHARTER OAK FIRE INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446(a), Defendant, Charter Oak Fire Insurance Company (“Defendant”), petitions the Court for removal of the action described below from the District Court for Scott County, Iowa to this Court, and in support thereof, states as follows:

1. On July 6, 2017, Plaintiff, ESCP Corporation (“Plaintiff”), filed this action against Defendant in the District Court for Scott County, Iowa, as Case Number LACE129162.
2. A copy of the Plaintiff's Petition at Law and Jury Demand were received by the Iowa Insurance Commissioner, as Defendant's agent for service of process, on July 14, 2017.
3. Defendant has reviewed the state court's electronic docket and determined that the following process and pleadings, attached as Exhibit A, have been filed: (1) Plaintiff's Petition at Law and Jury Demand, and (2) Acceptance of Service.
4. Plaintiff's Petition seeks monetary damages for breach of contract, equitable estoppel, and estoppel by acquiescence arising out of an insurance claim for damage to Plaintiff's property allegedly caused on or about November 18, 2016.

**BASIS FOR FEDERAL JURISDICTION**

5. This court has original jurisdiction of this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. *See* 28 U.S.C. § 1441.

6. Removal to the United States District Court for the Southern District of Iowa, Davenport Division, is proper because it is the district and division embracing the place where the removed action was pending. 28 U.S.C. § 1441(a).

**DIVERSITY OF CITIZENSHIP**

7. Plaintiff, ESCP Corporation, is an Illinois corporation with its principal place of business in Iowa.

8. Defendant, Charter Oak Fire Insurance Company, is a Connecticut corporation with its principal place of business in Connecticut.

9. The above statements were true on both the date Plaintiff filed its Petition (July 6, 2017) and the date that Defendant filed its Notice of Removal (August 9, 2017).

10. There exists complete diversity of citizenship between Plaintiff and Defendant.

**AMOUNT IN CONTROVERSY**

11. The Petition alleges that Plaintiff has suffered damages as a consequence of Defendant's actions and alleged breach of contract, and prays that a judgment be entered against Defendant "for all amounts due and owing" to Plaintiff. *See* Pl.'s Petition at pp. 3-5.

12. While not set forth in the Petition, Plaintiff submitted a claim for the cost to replace the damaged property at an estimated cost of \$147,000.

13. Defendant disputes Plaintiff's allegations and denies that it is liable to Plaintiff for any amount. However, Plaintiff's recoverable contractual damages establish an amount in

controversy, exclusive of interest and costs, in excess of the \$75,000 required to establish diversity jurisdiction.

**REMOVAL PROCEDURE**

14. This Notice of Removal is timely because it was filed within 30 days after receipt of Plaintiff's initial pleading by the Iowa Insurance Commissioner, as Defendant's agent for service of process, on July 14, 2017. *See* 28 U.S.C. § 1446(b)(1).

15. Promptly after filing this Notice of Removal Defendant will provide written notice of same to Plaintiff and to the clerk of the District Court for Scott County, Iowa. *See* 28 U.S.C. §1446(d).

16. Defendant reserves the right to amend and/or supplement this Notice of Removal.

WHEREFORE, Defendant, Charter Oak Fire Insurance Company, hereby requests that this action now pending against it in the District Court for Scott County, Iowa, Case No. LACE129162, be removed to this Honorable Court.

Respectfully submitted,

**LEDERER WESTON CRAIG PLC**

By: /s/ J. Michael Weston  
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**ATTORNEYS FOR DEFENDANT CHARTER  
OAK FIRE INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 9, 2017, I electronically filed the foregoing with the Clerk of the U.S. District Court for the Southern District of Iowa, Davenport Division and that a true copy of the foregoing instrument was served upon all parties in interest to the above-entitled cause by enclosing the same in an envelope addressed to each party at each party's respective address by U.S. mail. The parties in interest referred to above are:

**ATTORNEYS FOR PLAINTIFF  
ESCP CORPORATION:**

Thomas M. Boes, Esq.  
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Des Moines, IA 50309-8004

Executed on August 9, 2017 in Cedar Rapids, Iowa.

/s/ J. Michael Weston  
J. Michael Weston